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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,001	03/30/2001	Michael Sijacic	13220.002001; P5653	6688
32615	7590	08/23/2004	EXAMINER	
OSHA & MAY L.L.P./SUN 1221 MCKINNEY, SUITE 2800 HOUSTON, TX 77010			SAIN, GAUTAM	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,001

Applicant(s)

SIJACIC ET AL.

Examiner

Gautam Sain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

- 1) 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 1-1) Claims 1-14 and 18-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 1-14 set forth non-functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (ie., a computer) to produce a “useful, concrete and tangible” result. For example, Claim 1 and 10, “the method,” claim 11 and 18, the “apparatus” reads on a mental construct/abstract idea or best a computer program, per se. The language such as “custom data field”, “process management system”, and “data field”, etc., does not clearly define structural elements and are not tangibly embodied on a computer readable medium. Claims 1-4 and 18-21 are interpreted as software per se, abstract ideas or mental construct and not tangibly embodied on a computer readable medium or hardware.

The dependent claims 2-14 and 19-21 are rejected for fully incorporating the deficiencies of their respective base claims 1 and 18.

Claim Rejections - 35 USC § 102

- 2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2-1) Claims 15, 16, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Huben et al (US 5920867, issued Jul 6, 1999).

Regarding claim 15, Van Huben teaches "storage ... system" (ie., storage structure for data)(col 12, lines 1-5).

Van Huben teaches "a processor ... element" (ie., unique user determined attributes for storing data)(col 5, lines 5-15).

Regarding claim 16, Van Huben teaches "computer monitor ... system" (ie., individual computer 30 in Fig 1)(display screen for displaying images ... to user)(col 13, lines 15-30).

Regarding claim 17, Van Huben teaches "input device ... system" (ie., mouse interactions, fill-in fields must be keyed and/or mouse)(col 40, line 39).

Claim Rejections - 35 USC § 103

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3-1) Claims 1, 2, 3, 8, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Huben et al (as cited above), in view of Maki et al (US 5201047, issued Apr 6, 1993).

Regarding claim 1, Van Huben teaches “defining a model ... field” (ie., provide a data management model structure as part of library ...)(col 7, lines 20-40; col 13, lines 59).

Van Huben does not expressly teach, but Maki teaches “creating a file ... custom data field” (ie., create a unique file comprising the item classification)(col 3, lines 10-20)(unique attributes for a specific class of entity)(col 1, lines 8-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Van Huben to include creating a unique file comprising unique attributes for a specific class of entity as taught by Maki, providing the benefit of a method of defining unique, user determined attributes in a data management system for file and database management for a design control system (Van Huben, col 5, lines 5-15; col 6, lines 55-60)

Regarding claim 2, Van Huben teaches “packaging ... file” (ie., archiving and backing up data in the library)(col 28, lines 40-63).

Regarding claim 3, Van Huben does not expressly teach, but Maki teaches “inserting ... new class” (ie., classification tree nodes with new attributes for other business entities constructed)(col 4, lines 23-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Van Huben to include classification tree nodes with new attributes for other business entities newly constructed as taught by Maki, providing the benefit of a method of defining unique, user determined attributes in a data management system

for file and database management for a design control system (Van Huben, col 5, lines 5-15; col 6, lines 55-60).

Regarding claim 8, 12, Van Huben teaches “model ... data field” (ie., snapshot of a library ... image of the library)(col 12, lines 25-30).

Regarding claim 11, Van Huben teaches “a model” (ie., provide a data management model structure as part of library ...)(col 7, lines 20-40; col 13, lines 59).

Van Huben does not expressly teach, but Maki teaches “file ... properties” (ie., create a unique file comprising the item classification)(col 3, lines 10-20)(unique attributes for a specific class of entity)(col 1, lines 8-10).

Van Huben teaches “packaging ... file” (ie., archiving and backing up data in the library)(col 28, lines 40-63).

Van Huben does not expressly teach, but Maki teaches “inserting ... new class” (ie., classification tree nodes with new attributes for other business entities constructed)(col 4, lines 23-53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Van Huben to include creating and archiving a unique file comprising unique attributes for a specific class of entity and classification tree nodes with new attributes as taught by Maki, providing the benefit of a method of defining unique, user determined attributes in a data management system for file and database management for a design control system (Van Huben, col 5, lines 5-15; col 6, lines 55-60).

3-1) Claims 4, 5, 6, 7, 9, 10, 13, 14, 18, 19, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Huben et al (as cited above), in view of Maki et al (US 5201047, issued Apr 6, 1993), further in view of Applicant Admitted Prior Art (hereinafter “AAPA”).

Regarding claim 4, Van Huben in view of Maki does not expressly teach, but AAPA teaches “deploying ... class” (ie., Deploy button)(fig 5, page 7, paragraph 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Van Huben in view of Maki to include deploying an application as taught by the AAPA, providing the benefit of implementing the attribute base classification (Maki, col 4, lines 54-57) in a data management system for file and database management for design control system (Van Huben, col 6, lines 55-60).

Regarding claim 5, Van Huben in view of Maki does not expressly teach, but AAPA teaches “testing ... new class” (ie., Testing results displayed along with an action shows there is testing)(Fig 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Van Huben in view of Maki to include testing results of an application as taught by the AAPA, providing the benefit of implementing the attribute base classification (Maki, col 4, lines 54-57) in a data management system for file and database management for design control system (Van Huben, col 6, lines 55-60).

Regarding claim 6, 13, Van Huben in view of Maki does not expressly teach, but AAPA teaches “model ... interfaces” (ie., interfaces are “claim process” and “office setup”; the Process map shows the model)(Fig 5 and 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Van Huben in view of Maki to include testing results of an application as taught by the AAPA, providing the benefit of implementing the attribute base classification (Maki, col 4, lines 54-57) in a data management system for file and database management for design control system (Van Huben, col 6, lines 55-60).

Regarding claim 7, 14, Van Huben teaches “class determines ... custom data field” (ie., data management of database with tables and attributes where attributes are unique and determined by the user)(col 6, lines 54-67; col 5, lines 5-15).

Regarding claim 9, Van Huben teaches “packaging ... file” (ie., archiving and backing up data in the library)(col 28, lines 40-63).

Van Huben does not expressly teach, but Maki teaches “inserting ... new class” (ie., classification tree nodes with new attributes for other business entities constructed)(col 4, lines 23-53).

Van Huben in view of Maki does not expressly teach, but AAPA teaches “deploying ... class” (ie., Deploy button)(fig 5, page 7, paragraph 20).

Van Huben in view of Maki does not expressly teach, but AAPA teaches “testing ... new class” (ie., Testing results displayed along with an action shows there is testing)(Fig 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Van Huben to include classification tree nodes with new attributes for other business entities newly constructed as taught by Maki, providing the benefit of a method of defining unique, user determined attributes in a data management system

for file and database management for a design control system (Van Huben, col 5, lines 5-15; col 6, lines 55-60) further to include deploying and testing a system as taught by the AAPA, providing the benefit of implementing the attribute base classification (Maki, col 4, lines 54-57) in a data management system for file and database management for design control system (Van Huben, col 6, lines 55-60).

Regarding claims 10, 18, Van Huben teaches “defining a model ... field” (ie., provide a data management model structure as part of library ...)(col 7, lines 20-40; col 13, lines 59).

Van Huben does not expressly teach, but Maki teaches “creating a file ... custom data field” (ie., create a unique file comprising the item classification)(col 3, lines 10-20)(unique attributes for a specific class of entity)(col 1, lines 8-10).

Van Huben teaches “packaging ... file” (ie., archiving and backing up data in the library)(col 28, lines 40-63).

Van Huben does not expressly teach, but Maki teaches “inserting ... new class” (ie., classification tree nodes with new attributes for other business entities constructed)(col 4, lines 23-53).

Van Huben in view of Maki does not expressly teach, but AAPA teaches “deploying ... class” (ie., Deploy button)(fig 5, page 7, paragraph 20).

Van Huben in view of Maki does not expressly teach, but AAPA teaches “testing ... new class” (ie., Testing results displayed along with an action shows there is testing)(Fig 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Van Huben to include creating a unique file comprising unique attributes for a specific class of entity, classification tree nodes with new attributes for other business entities newly constructed as taught by Maki, providing the benefit of a method of defining unique, user determined attributes in a data management system for file and database management for a design control system (Van Huben, col 5, lines 5-15; col 6, lines 55-60), further to include deploying and testing a data management system as taught by AAPA, providing the benefit of implementing the attribute base classification (Maki, col 4, lines 54-57) in a data management system for file and database management for design control system (Van Huben, col 6, lines 55-60).

Regarding claim 19, Van Huben teaches “model ... data field” (ie., snapshot of a library ... image of the library)(col 12, lines 25-30).

Regarding claim 20, Van Huben in view of Maki does not expressly teach, but AAPA teaches “model ... interfaces” (ie., interfaces are “claim process” and “office setup”; the Process map shows the model)(Fig 5 and 8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Van Huben in view of Maki to include testing results of an application as taught by the AAPA, providing the benefit of implementing the attribute base classification (Maki, col 4, lines 54-57) in a data management system for file and database management for design control system (Van Huben, col 6, lines 55-60).

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Regarding claim 21, Van Huben teaches "class determines ... custom data field" (ie., data management of database with tables and attributes where attributes are unique and determined by the user)(col 6, lines 54-67; col 5, lines 5-15).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GS-

GS


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER